

SEP - 9 2016

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-017-RPH-S
	)	CASE NO. 15-017-PT-S
Petitioner,	)	CASE NO. 15-017-PH-S
v.)	
)	
ADAM KATSCHKE, RPH	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. 15601,	)	AND ACCUSATION
)	
ANGELA WALKER, PT)	
Certificate of Registration No. PT06113, and)	
)	
MEADOW VALLEY PHARMACY)	
Certificate of Registration No. PHN01728,)	
)	
Respondents.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at all times relevant to the allegations and events alleged herein, Respondent ADAM PAUL KATSCHKE, R.Ph. (Mr. Katschke), Certificate of Registration No. 15601, was a pharmacist registered with the Board; Respondent ANGELA WALKER, PT (Ms. Walker), Certificate of Registration No. PT06113, was a registered pharmaceutical technician with the Board; and Respondent MEADOW VALLEY PHARMACY (Meadow Valley Pharmacy), Certificate of Registration No. PHN01728, held a pharmacy license issued by the Board,

II.

In March 2015, Board Staff received a complaint that Mr. Katschke, Angela Walker and Meadow Valley Pharmacy (collectively referred to herein as the "Pharmacy") were unlawfully

dispensing cream based pain medications to patients in Caliente, Nevada, and the surrounding areas, and fraudulently billing those patients' insurers.

III.

The products at issue here are compounded creams containing *Ketamine*, a Schedule III controlled substance used at times to treat pain, and/or *Ketoprofen*, a nonsteroidal anti-inflammatory dangerous drug. The products are referred to collectively herein as "Pain Cream".

IV.

During the course of a joint investigation involving investigators from the Board and from the Nevada State Board of Medical Examiners (BME), Angela Walker admitted verbally and in writing to various activities that violate Nevada statutes and/or regulations.

V.

Ms. Walker is a pharmaceutical technician. She is not a licensed pharmacist, although she has claimed to be the pharmacy manager.

VI.

Ms. Walker marketed Pain Cream to residents of Caliente, Nevada, and the surrounding areas, by offering those patients samples of the Pain Cream and soliciting orders for tubes of the medication.

VII.

When a patient showed interest in obtaining additional Pain Cream, Ms. Walker's practice was to represent to them that their insurance would pay for the medication and that the Pharmacy would waive the patient's co-pay.

VIII.

Ms. Walker would then contact, or claim to contact, one of four prescribers—Dr. Katschke (Mr. Katschke's brother), Dr. Luedeman, Dr. Rogers or Mr. Anderson, PA—to request approval to process a "prescription" and provide the patient with additional Pain Cream.

IX.

It eventually became the Pharmacy's practice to attribute prescriptions for Pain Cream to one of those four prescribers without the prescriber's knowledge or consent, thereby falsely representing that a prescriber had issued a valid prescription.

X.

The Pharmacy used those prescriber's DEA numbers without their knowledge or consent.

XI.

The Pharmacy initially used Ketamine powder to compound the Pain Cream. Once a provider(s) ceased to pay for Ketamine powder, the Pharmacy switched to billing the insurance companies for Ketamine *tablets*, but continued to compound using the *powder*.

XII.

The *tablet* form of Ketamine is more expensive, and thus merits a higher reimbursement, than Ketamine *powder*.

XIII.

According to Ms. Walker, most patients liked and wanted the Pain Cream until they saw the amount the Pharmacy billed their insurers for the compounded medication.

XIV.

Many times the Pharmacy billed multiple patients' insurers for Pain Cream, but did not make or dispense Pain Cream to the patients.

XV.

The Pharmacy often billed patients' insurers for the Pain Cream without the patients' knowledge.

XVI.

At times, the Pharmacy billed insurers for Pain Cream prescriptions for each member of entire families, including children, and including Ms. Walker's family, for Pain Cream without the patients' knowledge, without a prescription and at times without dispensing any medication.

XVII.

Most of the employees for the Pharmacy allowed the Pharmacy to bill their insurance carriers for Pain Cream that the Pharmacy did not dispense.

XVIII.

The Pharmacy's practice was to refill patients' Pain Cream "prescriptions" until the patient asked the Pharmacy to stop.

XIX.

Per Ms. Walker's verbal and written statements, Mr. Katschke knew and consented to the Pharmacy's activities. He knew that the Pharmacy billed insurers for products the Pharmacy never compounded or dispensed.

XX.

According to Ms. Walker, the Pharmacy paid her commissions of approximately \$100,000 in 2014, resulting from her Pain Cream sales.

XXI.

Ms. Walker maintains that the Pharmacy did not compensate any of the above named prescribers for the prescriptions the Pharmacy attributed to them.

XXII.

During the Board and the BME's joint investigation, Ms. Katschke corroborated many of Ms. Walker's statements and likewise admitted to activities that violate Nevada statutes and/or regulations.

XXIII.

Mr. Katschke is a licensed pharmacist, the sole owner of the Pharmacy and the pharmacy manager of Meadow Valley Pharmacy.

XXIV.

After obtaining training from Professional Compounding Centers of America (PCCA) in non-sterile compounding, Mr. Katschke, through the Pharmacy, began marketing Pain Cream to patients by contacting them, providing a "sample" and offering to obtain a prescription for more Pain Cream.

XXV.

Mr. Katschke knew that the Pharmacy was attributing prescriptions for Pain Cream to Dr. Katschke, Dr. Luedeman, Dr. Rogers and/or Mr. Anderson without their knowledge.

XXVI.

Mr. Katschke maintains that the prescribers were not aware of the prescriptions the Pharmacy processed using their names and DEA numbers.

XXVII.

The Pharmacy often did not verify that a doctor/patient relationship existed between the patient and the prescriber to whom the Pharmacy attributed many Pain Cream prescriptions.

XXVIII.

Mr. Katschke was aware that the Pharmacy was billing many prescriptions for Pain Cream without valid prescriptions.

XXIX.

Mr. Katschke was aware that the Pharmacy was not compounding many of the Pain Cream prescriptions that it billed to insurers.

XXX.

Mr. Katschke knew that the Pharmacy was billing insurers for products that the Pharmacy did not dispense.

XXXI.

The Pharmacy paid Ms. Walker a commission of three percent (3%) of the money paid by insurers for the compounded Medication.

XXXII.

Mr. Katschke stated that in 2014, the Pharmacy paid Ms. Walker a salary of approximately sixty thousand dollars (\$60,000), resulting in payments to her in excess of two hundred thousand dollars (\$200,000) in combined salary and commissions.

XXXIII.

Each prescriber, through his counsel, provided statements affirming that the majority of the Pain Cream prescriptions the Pharmacy filled using their names and DEA numbers were not authorized by the prescriber and fraudulent.

XXXIV.

In July 2016, Nevada Attorney General Adam Laxalt charged Mr. Katschke with one count of *Insurance Fraud in violation of NRS 686A.2815(2)*, and one count of *Submitting False Claim: Medicaid Fraud, in violation of NRS 422.540(1) and 422.540(2)(a)*. In August 2016, Mr. Katschke signed a *Memorandum of Plea Negotiations* (Memorandum) pleading guilty to those criminal charges.

XXXV.

FIRST CAUSE OF ACTION

(All Respondents – Felony: Dangerous Drugs)

“A person who knowingly . . . [f]ills a prescription which is not genuine . . . is guilty of a category E felony” See NRS 454.311. Similarly, it is a category D felony in Nevada for a person to “furnish[*sic*] any dangerous drug [to another person] . . . unless the dangerous drug was obtained originally by a legal prescription.” NRS 454.221(1). If a person is guilty of a felony relating to a license or registration he or she holds pursuant to NRS Chapter 639, or other crime involving moral turpitude, dishonesty or corruption, that is grounds on which the Board may revoke or suspend any license or registration it issued. See NRS 639.210(7). By admitting to dispensing Pain Cream containing Ketoprofen, a dangerous drug, without the knowledge or consent of either the indicated prescriber or the indicated patient, and thus without a prescription,

Respondents Mr. Katschke, Ms. Walker and Meadow Valley Pharmacy, and each of them, is guilty of violating NRS 454.311 and NRS 454.221(1). Those violations are grounds for discipline, including suspension or revocation, of each Respondent's license or registration. (*See* NRS 639.210(7) and NRS 639.255.

XXXVI.

SECOND CAUSE OF ACTION

(All Respondents – Felony: Controlled Substances)

“It is unlawful for a person knowingly or intentionally to . . . [u]se in the course of the manufacture or distribution of a controlled substance a registration number which is . . . issued to another person.” NRS 453.331(1)(b). It is also “unlawful for a person to knowingly or intentionally . . . [s]ign the name of . . . another person on any prescription for a controlled substance or falsely make, alter, forge, utter, publish or pass, as genuine, any prescription for a controlled substance.” NRS 453.331(1)(f).

“A person who violates [NRS 453.331] is guilty of a category C felony” NRS 453.331(2). If a person is guilty of a felony relating to a license or registration he or she holds pursuant to NRS Chapter 639, or other crime involving moral turpitude, dishonesty or corruption, that is grounds on which the Board may revoke or suspend any license or registration it issued. *See* NRS 639.210(7).

By admitting to dispensing medicated Pain Cream containing Ketamine, a Schedule III controlled substance, using the names and DEA numbers of the prescribers identified above, without the knowledge, consent or a genuine prescription from the prescriber, Respondents Mr. Katschke, Ms. Walker and Meadow Valley Pharmacy, and each of them, is guilty of violating NRS 453.331(1)(b) and (f). Per NRS 453.331(2), those violations constitute a category C felony, and are grounds for discipline against each respondent's license or registration pursuant to NRS 639.210(7) and or NRS 639.255.

XXXVII.

THIRD CAUSE OF ACTION

(All Respondents – Felony: Controlled Substances)

The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter . . . if the holder . . . :

1. Is not of good moral character;

....

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

....

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

NRS 639.210. Black's Law Dictionary defines the phrase "good moral character", in part, as:

[a] pattern of behavior that is consistent with the community's current ethical standards and that shows an absence of deceit or morally reprehensible conduct A pattern of behavior conforming to a profession's ethical standards and showing an absence of moral turpitude. Good moral character is usu[ally] a requirement of persons applying to practice a profession such as law or medicine.

BLACK'S LAW DICTIONARY 714 (8th ed. 2000). Unprofessional conduct includes:

Supplying or diverting drugs, biologicals, medicines, substances or devices which are legally sold in pharmacies or by wholesalers, so that unqualified persons can circumvent any law pertaining to the legal sale of such articles (NAC 639.945(g)), and "[p]erforming or in any way being a party to any fraudulent or deceitful practice or transaction" (NAC 639.945(h)).

By admitting to dispensing medicated Pain Cream containing a dangerous drug and/or a controlled substance, namely Ketamine and/or Ketoprofen, without a prescription, and fraudulently billing insurers for those “prescriptions” without actually dispensing any product to the patient named on the “prescription” and bill, Mr. Katschke, Ms. Walker and Meadow Valley Pharmacy, and each of them, have demonstrated grounds pursuant to NRS 639.210(1), (4) and (12) to discipline, including revoking or suspending, their respective licenses or registrations.

XXXVIII.

FOURTH CAUSE OF ACTION

(Adam Katschke – Felony: Insurance Fraud and Medicaid Fraud)

If a person is convicted of a felony relating to a license he holds pursuant to NRS Chapter 639, or other crime involving moral turpitude, dishonesty or corruption, that conviction is grounds on which the Board may revoke or suspend any license or registration it issued. *See* NRS 639.210(7). By pleading guilty to Insurance Fraud, a category D felony in violation of NRS 686A.2815, and to Submitting False Claims: Medicaid Fraud, a category D felony in violation of NRS 422.540, Respondent Adam Katschke has been convicted of a felony relating to his pharmacist license, as well as crimes involving moral turpitude, dishonesty and corruption. *See* NRS 639.006. Mr. Katschke’s convictions are therefore grounds for discipline against his pharmacist license pursuant to NRS 639.210 and/or NRS 639.255, up to, and including, suspension or revocation.

XXXIX.

FIFTH CAUSE OF ACTION

(Adam Katschke – False Claims: NRS 639.2815)

A pharmacist or practitioner who knowingly submits to the State or any of its political subdivisions or any agent thereof, a charge or claim for drugs or medical supplies furnished to or for a person receiving medical care under any program of public assistance, which is false or which is in excess of any amount established by law or regulations adopted by the Department of Health and

Human Services or by the governing body of any political subdivision, as the price or fee for the furnishing of those drugs or medical supplies, is guilty of a category D felony

NRS 639.2815.

Respondent Mr. Katschke pleaded guilty to Submitting False Claims: Medicaid Fraud, a category D felony in violation of NRS 422.540, in the Criminal Action. (Case No. CR071016.) In doing so, Mr. Katschke admitted to knowingly submitting charges and claims that are false to the State and its political subdivisions, namely Medicaid, which actions violate NRS 639.2815. Those actions are grounds for discipline against Mr. Katschke's pharmacist license, up to, and including, suspension or revocation, pursuant to NRS 639.210(7) and/or NRS 255.

XL.

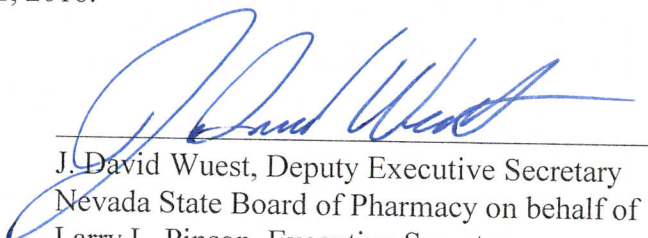
SIXTH CAUSE OF ACTION

(Adam Katschke – Managing Pharmacist Responsibilities)

“The Board may suspend or revoke any . . . license. . . issued pursuant to this chapter . . . if the holder . . . [h]as, as a managing pharmacist . . . has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his or her supervision.” NRS 639.210(15). Mr. Katschke, as the owner and managing pharmacist of the Pharmacy, knowingly allowed the violations of Nevada State Law as alleged in the foregoing paragraphs. Mr. Katschke's pharmacist license is therefore subject to discipline, including suspension or revocation, pursuant to NRS 639.210 and/or NRS 639.255.

WHEREFORE, it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificate of registration of this respondent.

Signed this 9th day of September, 2016.



J. David Wuest, Deputy Executive Secretary
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

ADAM KATSCHKE, RPH

Certificate of Registration No. 15601,

Respondent.

) **CASE NO. 15-017-RPH-S**
)
) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
)
)

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

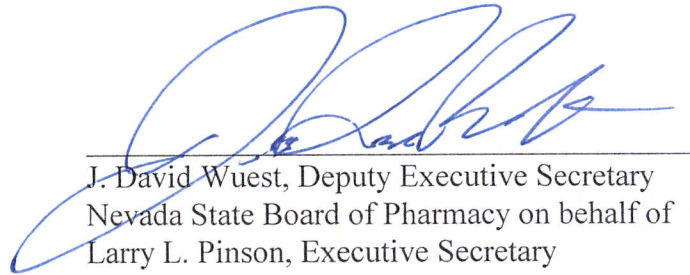
III.

The Board has reserved Wednesday, October 12, 2016, as the date for a hearing on this matter at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

Signed this 9th day of September, 2016.



J. David Wuest, Deputy Executive Secretary
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

ADAM KATSCHKE, RPH

Certificate of Registration No. 15601,

Respondent.

) **CASE NO. 15-017-RPH-S**
)
) **ANSWER AND NOTICE OF**
) **DEFENSE**

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of _____, 2016.

ADAM KATSCHKE, RPH

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

ANGELA WALKER, PT

Certificate of Registration No. PT06113,

Respondent.

) **CASE NO. 15-017-PT-S**
)
) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
)
)

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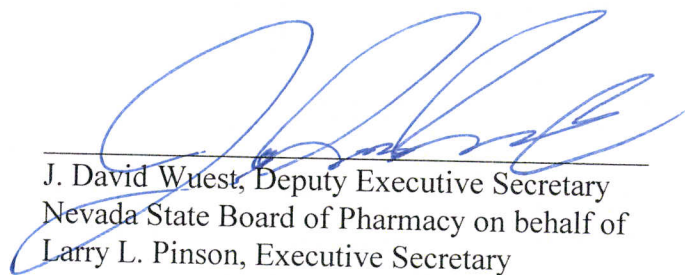
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Signed this 9th day of September, 2016.



J. David Wuest, Deputy Executive Secretary
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-017-PT-S
)	
Petitioner,	)	ANSWER AND NOTICE OF
v.	)	DEFENSE
)	
ANGELA WALKER, PT)	
Certificate of Registration No. PT06113,)	
)	
Respondent.	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

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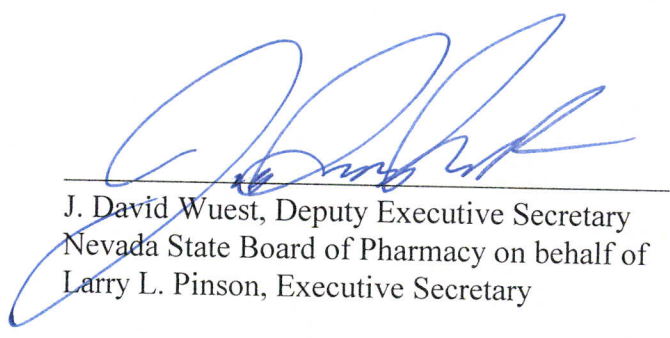
DATED this ____ day of _____, 2016.

ADAM KATSCHKE, RPH

IV.

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Signed this 9th day of September, 2016.



J. David Wuest, Deputy Executive Secretary
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-017-PH-S
)	
v.	)	ANSWER AND NOTICE OF
)	DEFENSE
)	
MEADOW VALLEY PHARMACY)	
Certificate of Registration No. PHN01728,)	
)	
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I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of _____, 2016.

Authorized Representative
Meadow Valley Pharmacy

SEP - 6 2016

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 16-024-RPH-A-S
	)	16-024-RPH-B-S
Petitioner,	)	16-024-PH-S
v.)	
)	
MICHAEL LESSER, RPH,	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. 15213	)	AND ACCUSATION
)	
STEPHAN CHO, RPH,)	
Certificate of Registration No. 18193)	
)	
WALGREENS PHARMACY #07164,)	
Certificate of Registration No. PH01919)	
)	
Respondents.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because, at the time of the alleged events, Respondent Michael Lesser (Mr. Lesser), Certificate of Registration No. 15213, was a pharmacist licensed by the Board, Respondent Stephan Cho (Mr. Cho), Certificate of Registration No. 18193, was a pharmacist licensed by the Board, and Respondent Walgreens Pharmacy #07164 (Walgreens), Certificate of Registration No. PH01919, was a pharmacy licensed by the Board.

FACTUAL ALLEGATIONS

II.

This case involves two prescriptions for four-year-old patient J.C.

III.

On or about March 31, 2016, Gina Christensen (Ms. Christensen) filed a complaint with

the Board Office on behalf of her four-year-old son J.C. In the complaint, Ms. Christensen alleges that Walgreens filled and dispensed two prescriptions within a two month period for J.C. In both cases, the Respondents dispensed the wrong strength of the medication.

1. **PRESCRIPTION NO. 1428538 – MONTELUKAST (SINGULAIR®) 4 MG. TABLETS**

IV.

On July 23, 2015, patient J.C.'s pediatrician prescribed a quantity of thirty (30) montelukast 4 mg. chewable tablets with instructions to take one tablet by mouth every day. The prescription included authorization for six refills. The pediatrician's office electronically transmitted the prescription to Walgreens, which assigned prescription number 1428538 and filled the prescription.

V.

On February 24, 2016, approximately seven (7) months later, Walgreens processed an automatic refill of Prescription No. 1428538.

VI.

Walgreens' system generated a prescription label that contained the correct drug, strength, and dosing instructions as prescribed. The prescription label was applied to a stock bottle of montelukast chewable tablets.

VII.

When Ms. Christensen opened the medication bottle, she noticed that the tablets were square rather than the rectangular tablets she was accustomed to for her son's montelukast **4 mg.** chewable tablets.

VIII.

Ms. Christensen peeled back the prescription label from the stock bottle of the montelukast tablets. The label read montelukast **5 mg.** chewable tablets.

IX.

Ms. Christensen contacted Walgreens and reported the error. Walgreens verified the

strength on the written prescription as **4 mg.**, and verified that Walgreens dispensed the incorrect strength of **5 mg.** tablets.

X.

J.C. and his twin brother each ingested two (2) tablets of the erred medication with no reported adverse effects.¹

XI.

Pharmacy records indicate that an Automatic Refill of Prescription No. 1428538 entered Walgreens' pharmacy computer system queue on February 24, 2016.

XII.

Mr. Lesser filled the prescription and performed the final verification of the product.² He failed to detect that the bottle contained montelukast **5 mg.** chewable tablets rather than the montelukast **4 mg.** chewable tablets as prescribed.

XIII.

In a written statement, Mr. Lesser indicates that bottles of the 4 mg. and 5 mg. montelukast chewable tablets are stored next to each other on the pharmacy's fast rack. The manufacturer uses the same size stock bottle for both strengths.

XIV.

Mr. Lesser thinks that he may have retrieved a return-to-stock bottle that contained the 5 mg. strength and was not able to scan the National Drug Code (NDC). If he had been able to scan the 5 mg. NDC code from the bottle, the pharmacy system's scale would have alerted him to the error in the strength.

XV.

Mr. Lesser assumes that he manually entered the NDC from either a 4 mg. strength bottle or the leaflet which reflected the correct strength.

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¹ J.C. and his twin brother are both prescribed montelukast 4 mg. chewable tablets. The parents take the tablets from one brother's montelukast 4 mg. medication bottle at a time for administration to each brother.

² Walgreens' Audit/Board of Pharmacy Inspection Report documents pharmaceutical technician K.M. Nasife filled the prescription. Technician Nasife failed to log off of the system at the end of her shift. Mr. Lesser was the only one on duty during the filling process of this prescription.

2. **PRESCRIPTION NO. 1516165 – MONTELUKAST (SINGULAIR®) 4 MG. TABLETS**

XVI.

On March 15, 2016, J.C.'s pediatrician wrote a new prescription for J.C. for thirty (30) montelukast 4 mg. chewable tablets with instructions to take one tablet by mouth every day. The prescription included authorization for six refills.

XVII.

The prescription was tendered to Walgreens, which processed the first fill of the prescription (Prescription No. 1516165) and dispensed it on March 22, 2016.

XVIII.

Ms. Christensen opened the medication bottle and again discovered that the tablets were square rather than rectangular. Walgreens again dispensed montelukast **5 mg.** chewable tablets rather than the montelukast **4 mg.** chewable tablets as prescribed.

XIX.

Pharmacy records indicate that pharmaceutical technician Nicole Cramer (Ms. Cramer) performed the data entry of Prescription No. 1516165. Ms. Cramer entered the correct drug, strength, and dosing instructions.

XX.

Pharmacist M.R. performed data entry verification remotely at Walgreens' Central Facility in Orlando, Florida.

XXI.

Pharmacy records indicate that the error occurred when Ms. Cramer filled the prescription with the incorrect 5 mg. dosage. Pharmacy security video shows Ms. Cramer manually entering the NDC when the stock bottle failed to scan. It is unknown where Ms. Cramer obtained the NDC that she scanned. Ms. Cramer has no recollection of the incident.

XXII.

Pharmacist Stephan Cho performed the product verification of Prescription No. 1516165.

Mr. Cho failed to detect the error when verifying the final product.

XXIII.

According to pharmacy records, Ms. Christensen accepted counseling, which Mr. Cho provided. Mr. Cho did not detect the medication error during counseling.

FIRST CAUSE OF ACTION

**(Prescription No. 1428538 – Montelukast (Singulair®) 4 mg. tablets)
(Michael Lesser)**

XXIV.

NAC 639.945(1)(d) defines unprofessional conduct to include the failure by a licensee to follow strictly the instructions of a prescriber when filling, labeling and dispensing a prescription. Unprofessional conduct also includes performing duties in an “incompetent, unskillful or negligent manner”. *See* NAC 639.945(1)(i). Mr. Lesser acted unprofessionally per NAC 639.945(1)(d) and/or (i) by filling, verifying, and dispensing montelukast **5 mg.** chewable tablets rather than the montelukast **4 mg.** chewable tablets that were prescribed.

SECOND CAUSE OF ACTION

**(Prescription No. 1428538 – Montelukast (Singulair®) 4 mg. tablets)
(Walgreens Pharmacy #07164)**

XXV.

NAC 639.945(2) states that “[t]he owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his or her employ”. Respondent Mr. Lesser is Walgreens’ employee. As such, Walgreens is responsible for each of the violations alleged herein.

XXVI.

The violations alleged above, including in each cause of action, are grounds for discipline against the licenses of Michael Lesser and/or Walgreens #07164 pursuant to NRS 639.210(4), (11) and/or (12), as well as NRS 639.255.

THIRD CAUSE OF ACTION

(Prescription No. 1516165 – Montelukast (Singulair®) 5 mg. tablets)
(Stephan Cho)

XXVII.

NAC 639.945(1)(d) defines unprofessional conduct to include the failure by a licensee to follow strictly the instructions of a prescriber when filling, labeling and dispensing a prescription. Unprofessional conduct also includes performing duties in an “incompetent, unskillful or negligent manner”. See NAC 639.945(1)(i). Mr. Cho acted unprofessionally per NAC 639.945(1)(d) and/or (i) by filling, verifying, and dispensing montelukast 5 mg. chewable tablets rather than the montelukast 4 mg. chewable tablets that were prescribed.

FOURTH CAUSE OF ACTION

(Prescription No. 1516165 – Montelukast (Singulair®) 5 mg. tablets)
(Walgreens #07164)

XXVIII.

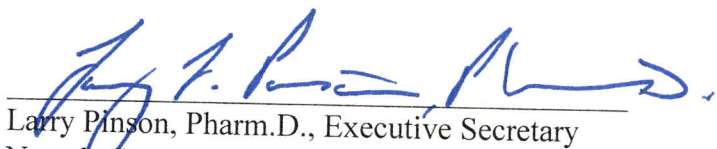
NAC 639.945(2) states that “[t]he owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his or her employ”. Respondent Mr. Cho is Walgreens’ employee. As such, Walgreens is responsible for each of the violations alleged herein.

XXIX.

The violations alleged above, including in each cause of action, are grounds for discipline against the licenses of Stephan Cho and/or Walgreens #07164 pursuant to NRS 639.210(4), (11) and/or (12), as well as NRS 639.255.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificates of registration of these respondents.

Signed this 22 day of September, 2016.


Larry Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

MICHAEL LESSER, RPH

Certificate of Registration No. 15213

Respondent.

) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
) **CASE NO. 16-024-RPH-A-S**
)
)
)

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

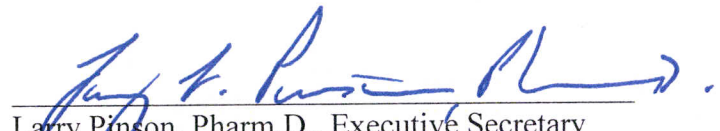
III.

The Board has reserved Wednesday, October 12, 2016, as the date for a hearing on this matter at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 2nd day of September, 2016.


Larry Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	ANSWER AND
	)	NOTICE OF DEFENSE
Petitioner,)	
v.)	
)	
MICHAEL LESSER, RPH	)	CASE NO. 16-024-RPH-A-S
Certificate of Registration No. 15213)	
)	
Respondent.)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections, or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of September, 2016.

MICHAEL LESSER, R.PH.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**STEPHAN CHO, RPH,
Certificate of Registration No. 18193**

Respondent.

) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
) **CASE NO. 16-024-RPH-B-S**
)
)
)

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

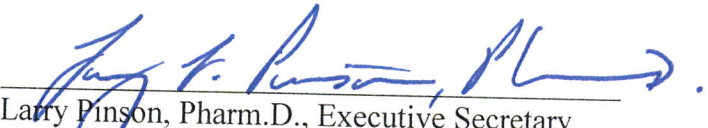
III.

The Board has reserved Wednesday, October 12, 2016, as the date for a hearing on this matter at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 2nd day of September, 2016.


Larry Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	ANSWER AND
	)	NOTICE OF DEFENSE
Petitioner,)	
v.)	
)	
STEPHAN CHO, RPH.	)	CASE NO. 16-024-RPH-B-S
Certificate of Registration No. 18193)	
)	
Respondent.)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections, or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of September, 2016.

STEPHAN CHO, R.PH.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**WALGREENS PHARMACY #07164
Certificate of Registration No. PH01919**

Respondent.

) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
) **CASE NO. 16-024-PH-S**
)
)
)

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

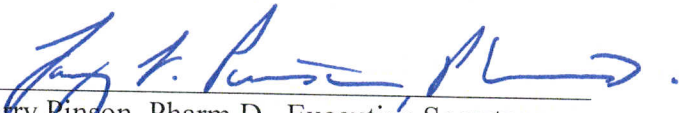
III.

The Board has reserved Wednesday, October 12, 2016, as the date for a hearing on this matter, at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 2nd day of September, 2016.



Larry Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	ANSWER AND
	)	NOTICE OF DEFENSE
Petitioner,)	
v.)	
)	
WALGREENS PHARMACY #07164	)	CASE NO. 16-024-PH-S
Certificate of Registration No. PH01919)	
)	
Respondent.	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none")

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of September, 2016.

Type or print name

AUTHORIZED REPRESENTATIVE FOR
WALGREENS PHARMACY #07164

AUG 17 2016

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

RHOWELA ALBANA, RPH
Certificate of Registration No. 18334CVS PHARMACY #8789
Certificate of Registration No. PH01257Respondents.) CASE NO. 15-075-RPH-S
) 15-075-PH-S
)
)
)
)) NOTICE OF INTENDED ACTION
) AND ACCUSATION
)
)
)
)
)

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at the time of the alleged events, Respondent Rhowela Albana (Ms. Albana) was a pharmacist licensed by the Board, and Respondent CVS Pharmacy #8789 (CVS) was a pharmacy licensed by the Board.

FACTUAL ALLEGATIONS

II.

On December 4, 2015, Tiffany Russaw, APRN, filed a complaint with the Board Office alleging that CVS Pharmacy filled and dispensed the the wrong medication to patient C.J.

III.

On October 30, 2015, C.J. saw APRN Russaw, who prescribed a quantity of thirty (30) mirtazapine with instructions to take one tablet daily at bedtime.

IV.

C.J. tendered the prescription to CVS on November 4, 2015. CVS assigned it prescription #1275047, and dispensed the medication that day.

V.

On December 3, 2015, C.J. contacted Russaw indicating that CVS did not dispense mirtazapine to her as prescribed. The label on the prescription bottle indicated that CVS instead dispensed temazepam 30 mg. capsules.

VI.

In an effort to verify C.J.'s complaint, Russaw accessed C.J.'s PMP Patient Utilization Report and found that CVS dispensed temazepam to C.J. on November 4, 2015.

VII.

Russaw never prescribe temazepam for C.J.

VIII.

Russaw next contacted CVS and spoke with pharmacist Chester Dudzik (Mr. Dudzik), who confirmed CVS's November 4, 2015 dispensing error.

IX.

CVS's records show that the error began when pharmaceutical technician Stefanie Wendel entered the data for Prescription NO. 1275047 and inadvertently selected temazepam¹ (Restoril) 30 mg. capsules, rather than the mirtazapine² (Remeron) 30 mg. tablets Russaw prescribed.

X.

Ms. Albana failed to detect that the medication in the bottle was not the medication Russaw prescribed and verified temazepam as accurate.

¹Temazepam is a benzodiazepine used to treat insomnia symptoms.

²Mirtazapine is an antidepressant used to treat major depressive disorder.

XI.

C.J. accepted counseling, where Ms. Albana again failed to detect that CVS was dispensing the wrong medication.

XII.

During the Board's investigation of this matter, Ms. Albana told the Board Investigator that the scanned image of the prescription is small and that she may have misread the drug name during counseling.

XIII.

C.J. returned the temazepam to CVS on December 4, 2015. She had not ingested any of the wrong medication.

XIV.

CVS replaced the erred medication that same day with the mirtazapine as prescribed.

FIRST CAUSE OF ACTION

XV.

NAC 639.945(1)(d) defines unprofessional conduct to include the failure by a licensee to follow strictly the instructions of a prescriber when filling, labeling and dispensing a prescription. Unprofessional conduct also includes performing duties in an "incompetent, unskillful or negligent manner" *See* NAC 639.945(1)(i). Ms. Albana violated NAC 639.945(1)(d) and/or (i) by verifying, labeling and dispensing temazepam 30 mg. capsules to C.J., when her prescriber prescribed mirtazapine 30 mg. tablets.

SECOND CAUSE OF ACTION

XVI.

NRS 639.266 requires a pharmacist, on receipt of a prescription and after review of the patient's record, to communicate with the patient, or a person caring for the patient, matters that will enhance the patient's therapy through drugs. NAC 639.707(1) and (2) require that discussion to include, among other things, the name of the drug, dosage and administration

instructions, the intended use of the drug, common side effects, and other information that is necessary for the safe and effective use of the drug. Further, NAC 639.945(1)(i) defines unprofessional conduct to include performing duties in an “incompetent, unskillful or negligent manner” See NAC 639.945(1)(i).

Here, Ms. Albana violated NRS 639.266, NAC 639.707(1) and (2), and NAC 639.945(1)(i), when she failed to adequately counsel C.J. regarding temazepam 30 mg. capsules, which was a new medication to her.

THIRD CAUSE OF ACTION

XVII.

NAC 639.945(2) states that “[t]he owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his or her employ”.

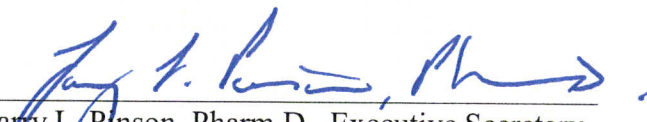
Repondent Ms. Albana is CVS’s employee. As such, CVS is responsible for each of the violations alleged herein.

XVIII.

The violations alleged above, including in each cause of action, are grounds for discipline against the licenses of Rhowela Albana and or CVS #8789 pursuant to NRS 639.210(4), (11) and/or (12), as well as NRS 639.255.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificates of registration of these respondents.

Signed this ____ day of August, 2016.


Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

RHOWELA ALBANA, RPH

Certificate of Registration No. 18334

Respondent.

) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
) **CASE NO. 15-075-RPH-S**
)
)
)
)

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

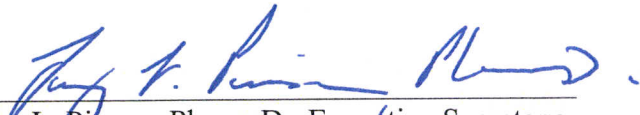
III.

The Board has reserved Wednesday, October 12, 2016, as the date for a hearing on this matter at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 17th day of August, 2016.



Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	ANSWER AND
	)	NOTICE OF DEFENSE
Petitioner,)	
v.)	
)	
RHOWELA ALBANA, RPH	)	CASE NO. 15-075-RPH-S
Certificate of Registration No. 18334)	
)	
Respondent.)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections, or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of August, 2016.

RHOWELA ALBANA, R.PH.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

CVS PHARMACY #8789

Certificate of Registration No. PH01257

Respondent.

) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
) **CASE NO. 15-075-PH-S**
)
)
)
)

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

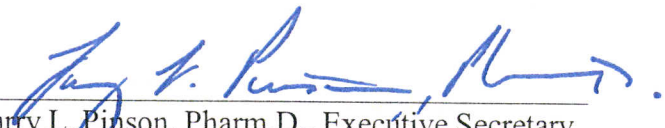
III.

The Board has reserved Wednesday, October 12, 2016, as the date for a hearing on this matter, at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 17th day of August, 2016.


Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

CVS PHARMACY #8789

Certificate of Registration No. PH01257

Respondent.

) **ANSWER AND**
) **NOTICE OF DEFENSE**

) **CASE NO. 15-075-PH-S**

)

/

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none")

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of August, 2016.

Type or print name

AUTHORIZED REPRESENTATIVE FOR
CVS PHARMACY #8789

AUG 17 2016

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-060-RPH-S
	)	15-060-PH-S
Petitioner,)	
v.)	
)	
RITA CHANVISANURUK, RPH	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. 16468	)	AND ACCUSATION
)	
KMART PHARMACY #3680)	
Certificate of Registration No. PH00736)	
)	
Respondents.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at the time of the alleged events, Respondent Rita Chanvisanuruk (Ms. Chanvisanuruk) was a pharmacist licensed by the Board, and Respondent Kmart Pharmacy #3680 (Kmart) was a pharmacy licensed by the Board.

FACTUAL ALLEGATIONS

II.

On September 10, 2015, Dr. Beth Goldman filed a complaint with the Board Office alleging that Kmart filled and dispensed the incorrect strength of hydrocodone-acetaminophen tablets to patient C.J.

III.

Dr. Goldman saw C.J. the day before, and prescribed for C.J. one-hundred and twenty (120) hydrocodone-acetaminophen 5-325 mg. tablets, with instructions to take one or two tablets twice daily as needed.

IV.

C.J. tendered the prescription to Kmart on September 9, where Ms. Chanvisanuruk entered the data into Kmart's computer system, which designated the prescription as No. 2213304. During data entry, Ms. Chanvisanuruk inadvertently selected hydrocodone-acetaminophen 10-325 mg. tablets, rather than the hydrocodone-acetaminophen 5-325 mg. tablets as prescribed.

V.

Ms. Chanvisanuruk entered the same dosing instructions for the 10 mg. strength that Dr. Goldman originally prescribed for the lower 5 mg. strength, effectively doubling the dosage.

VI.

Ms. Chanvisanuruk completed the data entry process and obtained a stock bottle of hydrocodone-acetaminophen 10-325 mg. tablets from the Schedule II cabinet.

VII.

Ms. Chanvisanuruk then checked the National Drug Code (NDC) on the bottle against the prescription label that she generated. She performed data entry verification by reviewing the original prescription to validate the drug name, quantity, directions, patient name, and the doctor's name. However, Ms. Chanvisanuruk did not detect that she had selected the wrong strength of the medication.

VIII.

C.J. returned to pick up the medication that same day.

IX.

At the pickup window, Ms. Chanvisanuruk did not provide adequate counseling to C.J. for the new prescription. By her own admission, she "briefly mentioned" to him that the hydrocodone was for pain. Ms. Chanvisanuruk felt that because C.J. had been prescribed Percocet® (oxycodone-acetaminophen) in the past, comprehensive counseling was not necessary.

X.

The pharmacy system Transaction List Detail report for Prescription No. 2213304 indicates that counseling was refused.

XI.

The Kmart pharmacy system defaults to "R" (counseling refused) if the patient signs the electronic signature pad before the counseling pharmacist has populated the counseling field as "accepted". To change the counseling field requires deleting and refreshing the data. Refreshing the data allows the counseling pharmacist to modify the counsel field. The patient must then sign the electronic signature pad again.

XII.

Ms. Chanvisanuruk did not take the time to ensure that counseling was provided and/or documented. She explained to the Board Investigator that she simplified her verification and counseling process that day because the pharmacy was busy.

XIII.

At the end of her shift, Ms. Chanvisanuruk discovered the error while documenting the Schedule II prescriptions into the perpetual inventory log.

XIV.

Ms. Chanvisanuruk reported the medication error to C.J. and Dr. Goldman.

XV.

C.J. ingested two (2) tablets of the erred medication with no reported adverse effects. He returned the unused medication to Kmart, which replaced it with the correct medication.

FIRST CAUSE OF ACTION

XVI.

NAC 639.945(1)(d) defines unprofessional conduct to include the failure by a licensee to follow strictly the instructions of a prescriber when filling, labeling and dispensing a prescription. Unprofessional conduct also includes performing duties in an “incompetent, unskillful or negligent manner” *See* NAC 639.945(1)(i). Ms. Chanvisanuruk violated NAC 639.945(1)(d) and/or (i) by verifying, labeling and dispensing hydrocodone-acetaminophen 10-325 mg. tablets, rather than the hydrocodone-acetaminophen 5-325 mg. tablets that were prescribed.

SECOND CAUSE OF ACTION

XVII.

NRS 639.266 requires a pharmacist, on receipt of a prescription and after review of the patient’s record, to communicate with the patient, or a person caring for the patient, matters that will enhance the patient’s therapy through drugs. NAC 639.707(1) and (2) require that discussion to include, among other things, the name of the drug, dosage and administration instructions, the intended use of the drug, common side effects, and other information that is necessary for the safe and effective use of the drug. Further, NAC 639.945(1)(i) defines unprofessional conduct to include performing duties in an “incompetent, unskillful or negligent manner” *See* NAC 639.945(1)(i).

Here, Ms. Chanvisanuruk violated NRS 639.266, NAC 639.707(1) and (2), and NAC 639.945(1)(i), when she failed to adequately counsel C.J. regarding hydrocodone-acetaminophen 5-325 mg. tablets, which was a new medication to him.

THIRD CAUSE OF ACTION

XVIII.

NAC 639.945(2) states that “[t]he owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his or her employ”.

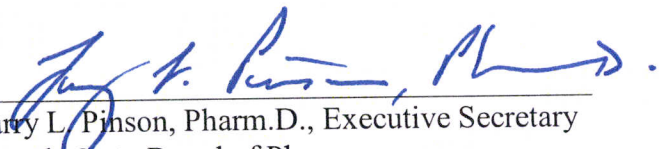
Respondent Ms. Chanvisanuruk is Kmart's employee. As such, Kmart is responsible for each of the violations alleged herein.

XIX.

The violations alleged above, including in each cause of action, are grounds for discipline against the licenses of Rita Chanvisanuruk and/or Kmart #3680 pursuant to NRS 639.210(4), (11) and/or (12), as well as NRS 639.255.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificates of registration of these respondents.

Signed this 17th day of August, 2016.


Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

V.

RITA CHANVISANURUK, RPH
Certificate of Registration No. 16468

Respondent.

) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
) **CASE NO. 15-060-RPH-S**
)
)
)
 /

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

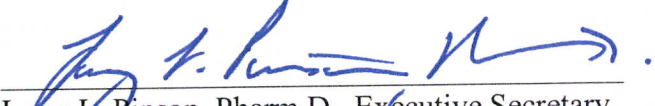
III.

The Board has reserved Wednesday, October 12, 2016, as the date for a hearing on this matter at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 17th day of August, 2016.


Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

FILED

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NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

RITA CHANVISANURUK, RPH

Certificate of Registration No. 16468

Respondent.

) ANSWER AND
) NOTICE OF DEFENSE
)
)
)

) CASE NO. 15-060-RPH-S
)
)
)

/

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections, or insert "none").

NONE

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

ADMIT

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this 26 day of August, 2016.



RITA CHANVISANURUK, R.PH.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

KMART PHARMACY #3680

Certificate of Registration No. PH00736

Respondent.

) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
) **CASE NO. 15-060-PH-S**
)
)
)
)

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

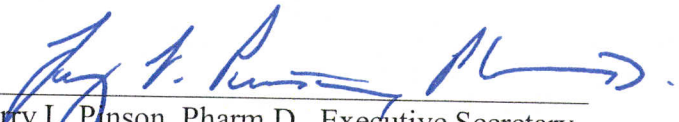
III.

The Board has reserved Wednesday, October 12, 2016, as the date for a hearing on this matter, at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 17th day of August, 2016.


Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	ANSWER AND
	)	NOTICE OF DEFENSE
Petitioner,)	
v.)	
)	
KMART PHARMACY #3680	)	CASE NO. 15-060-PH-S
Certificate of Registration No. PH00736)	
)	
Respondent.	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none")

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of August, 2016.

Type or print name

AUTHORIZED REPRESENTATIVE FOR
KMART PHARMACY #3680

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 16-037-PT-N
)	
Petitioner,)	
v.)	
	)	NOTICE OF INTENDED ACTION
DONATAS PRANSKEVICIUS, PT	)	AND ACCUSATION
Certificate of Registration No. PT13265,)	
)	
Respondent.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because Respondent Donatas Pranskevicius, PT (Pranskevicius), Certificate of Registration No. PT13265, was a registered pharmaceutical technician with the Board at the time of the events alleged herein.

II.

On or about May 12, 2016, Board Staff received notification from the managing pharmacist of Walgreens Pharmacy #2662 (Walgreens) indicating that Walgreens terminated Pranskevicius from his employment as a pharmaceutical technician. Walgreens terminated Pranskevicius' employment for diversion of controlled substances.

III.

During his employment with Walgreens Company, Pranskevicius worked at Walgreens Stores 5295, 2658 and 2662. He admitted to diverting various controlled substances from all three locations.

IV.

During an interview conducted by a Walgreens Asset Protection Manager, and in a written statement, Pranskevicius admitted to diverting the following drugs, including controlled substances, during the period October 15, 2012 through May 1, 2016:

- Adderall – 80 tablets
- Cephalexin – 8 tablets
- Cialis – 2 tablets
- Norco 10/235 – 2,515 tablets
- Testosterone 200ml – 2 vials
- Valium 50 – tablets
- Xanax – 117 tablets

V.

Pranskevicius indicated that he diverted the drugs for personal use and to sell. He used the money to help pay for his college, purchase personal items, and to support his parents.

FIRST CAUSE OF ACTION

VI.

Nevada Revised Statutes (NRS) 453.331(d) states, in relevant part, that “[i]t is unlawful for a person knowingly or intentionally to . . . [a]cquire or obtain . . . possession of a controlled substance . . . by misrepresentation, fraud, forgery, deception, subterfuge or alteration.” NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting various drugs and controlled substances in various strengths for his personal use and to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.331(1)(d), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

SECOND CAUSE OF ACTION

VII.

NRS 453.336(1) states, in relevant part, that “a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a [lawful] prescription or order of a [practitioner]”. NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration . . .” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting various drugs and controlled substances in various strengths for his personal use and to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.336(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

THIRD CAUSE OF ACTION

VIII.

NRS 453.337(1) states, in relevant part, that unless otherwise authorized, “it is unlawful for a person to possess for the purpose of sale . . . any controlled substance classified in schedule I or II.” NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, [or] the . . . distribution of drugs . . . committed by the holder of a certificate, license [or] registration . . .” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting Adderall and Norco to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.337(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

FOURTH CAUSE OF ACTION

IX.

NRS 453.338(1) states, in relevant part, that unless otherwise authorized, "it is unlawful for a person to possess for the purpose of sale any controlled substance classified in schedule III, IV or V." NRS 639.210(12) says that a violation or attempt to violate "any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration . . ." is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting Testosterone, Valium and/or Xanax to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.338(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

FIFTH CAUSE OF ACTION

X.

Nevada Administrative Code (NAC) 639.945(1)(g) states that "[s]upplying or diverting drugs . . . which are legally sold in pharmacies . . . so that unqualified persons can circumvent any law pertaining to the legal sale of such articles" constitutes "unprofessional conduct and conduct contrary to the public interest." NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting various drugs and controlled substances in various strengths for himself and to sell, as alleged herein, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NAC 639.945(1)(g), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

SIXTH CAUSE OF ACTION

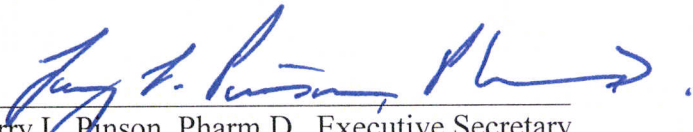
XI.

NAC 639.945(1)(h) states that “[p]erforming or in any way being a party to any fraudulent or deceitful practice or transaction” constitutes “unprofessional conduct and conduct contrary to the public interest.” NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting various drugs and controlled substances in various strengths for himself and to sell, as alleged herein, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NAC 639.945(1)(h), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

WHEREFORE, it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificate of registration of this respondent.

Signed this ____ day of August, 2016.



Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 16-037-PT-N
)	
Petitioner,)	
v.)	
	)	STATEMENT TO THE RESPONDENT
DONATAS PRANSKEVICIUS, PT	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. PT13265,	)	AND ACCUSATION
	)	RIGHT TO HEARING
Respondent.)	
	/	

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

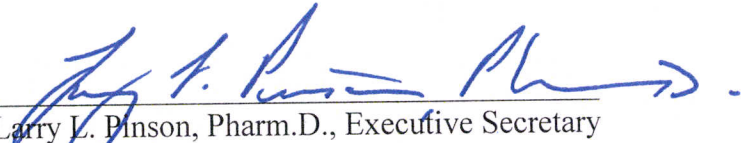
III.

The Board has reserved Wednesday, September 7, 2016, as the date for a hearing on this matter at the Hyatt Place, 1790 East Plumb Lane, Reno, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 2nd day of August, 2016.


Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 16-037-PT-N
)	
Petitioner,)	
v.)	
)	
DONATAS PRANSKEVICIUS, PT	)	ANSWER AND NOTICE
Certificate of Registration No. PT13265,	)	OF DEFENSE
)	
Respondent.)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of _____, 2016.

DONATAS PRANSKEVICIUS, PT